

REMARKS

This is in response to the Office Action that was mailed on October 17, 2003. The recitation of claim 10 is incorporated into claims 1 and 2. No new matter is added by this Amendment, and no new issues are raised thereby. That is, in considering claim 10 as presented in the Amendment filed 23 July 2003, the Examiner has already considered claims 1 and 2 as amended herein. Accordingly, entry of this Amendment in order to place the application into condition for allowance, or into better condition for appeal, is respectfully solicited. As amended, claims 1-8 and 11 are in the application.

Claim 11 was rejected under the second paragraph of 35 U.S.C. §112 as failing to define the invention properly. The Examiner had argued that the claim 11 limitation "a total sum of the sodium carbonate and the alkali metal silicate is 19% or more" was inconsistent with the former recitations in claims 1 and 2 of "15% or less by weight of a water-soluble inorganic salt". The present Amendment of claims 1 and 2 clarifies the situation. Also, the Examiner's attention is respectfully directed to the discussion in the specification, from line 14 on page 6 through line 13 on page 7. It is respectfully urged that the claims as amended herein satisfy the requirements of the statute.

In considering the discussions of the prior art rejections that follow, the Examiner is respectfully requested to keep in mind the fact that chemical compounds and compositions made up thereof may be regarded from two different perspectives. One perspective is chemical (and theoretical) – the relative amounts of atoms making up the compositions. The other perspective is physical, and practical, and involves such considerations as particle size, speed of dissolution, etc. It is the latter perspective that is relevant here!

Claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO94/02573 (Van Dijk). The rejection is respectfully traversed.

The present claims are not directed to any and all detergent compositions having the specified components. Instead, the present invention is limited to such detergent compositions having a very particular particle size distribution. This characteristic of the presently claimed compositions, which is explicitly recited in independent claims 1 and 2, provides a composition that has good detergency and low temperature dispersibility, even when the composition stands in cold water for a long period of time. This beneficial property is neither taught nor suggested by Van Dijk.

Claim 5 further distinguishes over Van Dijk because the claim 5 recitation of potassium ion levels provides compositions that also have improved dissolution rates. See the first full paragraph on page 5 of the specification.

Claims 6-8 further distinguish over Van Dijk due to their improved detergencies with respect to the claims from which they depend. Claim 8 also further distinguishes over Van Dijk due to its improved dissolubility, as pointed out in the sentence bridging pages 5-6 of the specification.

As pointed out in lines 20-23 on page 9 of the specification, the feature recited in claim 11 further distinguishes the compositions as maintaining excellent low temperature dispersibility without forming hydrated crystals between the detergent granules.

Manifestly, each of claims 1-8 and 11 currently before the Examiner recites an invention that is not suggested or otherwise motivated by the Van Dijk disclosure. The Examiner's comparison of the amount of sodium carbonate in the present compositions with the amount of sodium carbonate in the Van Dijk compositions (Office Action, page 6) is respectfully submitted to be

irrelevant to the essence of Applicant's invention, which is discussed above and recited in the claims. Accordingly, withdrawal of the rejection over Van Dijk is earnestly solicited.

Claims 1-11 were rejected under 35 U.S.C. §102(b) as being anticipated by US 5,698,510 (Wilkinson) or under 35 U.S.C. §103(a) as being unpatentable over Wilkinson. The rejection is respectfully traversed.

The present claims are not directed to any and all detergent compositions having the specified components. Instead, the present invention is limited to such detergent compositions having a very particular particle size distribution. This characteristic of the presently claimed compositions, which is explicitly recited in independent claims 1 and 2, provides a composition that has good detergency and low temperature dispersibility, even when the composition stands in cold water for a long period of time. This beneficial property is neither taught nor suggested by Wilkinson.

The Examiner argues (Office Action, pages 3-4) that "it would be inherent in the detergent base powder of Wilkinson to exhibit the recited characteristic because same detergent composition having the same ingredients, proportions and bulk density have been utilized". It is respectfully submitted that this misses the point. Without admitting compositional identity, Applicant is not attempting to distinguish over Wilkinson based on the chemical nature of the detergent. Instead, Applicant relies on the discovery that a particular particle distribution – obtained by the complex classification procedure reflected in the claims – provides detergent compositions that have unexpected and beneficial properties that are not found in conventional detergents such as those of Wilkinson.

The Examiner argues (Office Action, page 5) that it is obvious to optimize the proportion of anionic and nonionic surfactants of Wilkinson through routine experimentation. Again, Applicant is not attempting to distinguish over

Wilkinson based on optimizing the relative amounts of surfactants in the detergent. Instead, Applicant has discovered that a particular particle distribution – obtained by the complex classification procedure reflected in the claims – provides detergent compositions having unexpected beneficial properties not found in the Wilkinson compositions.

Each of claims 1-8 and 11 herein recites an invention that is not suggested or otherwise motivated by the Wilkinson disclosure. Accordingly, withdrawal of the rejection over Wilkinson is earnestly solicited.

Claims 1, 9, and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by US 5,998,357 (Appel) or under 35 U.S.C. §103(a) as being unpatentable over Appel. The rejection is respectfully traversed.

The present claims are not directed to any and all detergent compositions having the specified components. Instead, the present invention is limited to such detergent compositions having a very particular particle size distribution. This characteristic of the presently claimed compositions, which is explicitly recited in independent claims 1 and 2, provides a composition that has good detergency and low temperature dispersibility, even when the composition stands in cold water for a long period of time. This beneficial property is neither taught nor suggested by Appel.

The Examiner argues (Office Action, page 4) that “it would be inherent in the detergent base powder of Appel to exhibit the recited characteristic because same detergent composition having the same ingredients, proportions and bulk density have been utilized”. It is respectfully submitted that this misses the point. Without admitting compositional identity, Applicant is not attempting to distinguish over Appel based on the chemical nature of the detergent. Instead, Applicant relies on the discovery that a particular particle distribution – obtained by the complex classification procedure reflected in the claims –

provides detergent compositions that have unexpected and beneficial properties that are not found in the Appel detergents.

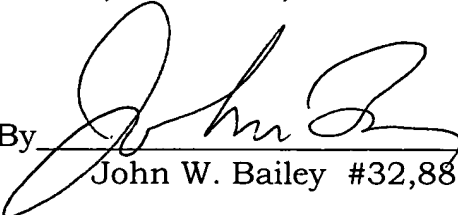
Each of claims 1-8 and 11 herein recites an invention that is neither suggested nor otherwise motivated by the Appel disclosure. Accordingly, withdrawal of the rejection over Appel is earnestly solicited.

Should there be any outstanding issues in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 CFR 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
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By 
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